

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING THE GENERAL PLAN AND
THE 2003 DOWNTOWN SPECIFIC PLAN (DSP) TO
INCREASE MAXIMUM DEVELOPMENT DENSITY
PERMITTED IN DSP BLOCK 18**

WHEREAS, for a number of years the City of Sunnyvale has been engaged in a Downtown Improvement Program with the goal of revitalizing the City's original central area. The Program has consisted of a number of City-adopted, interrelated planning and redevelopment components, including the Sunnyvale Downtown Specific Plan and associated Zoning Code provisions (adopted 1993), the Murphy Avenue Design Guidelines (adopted 1994), and the Sunnyvale Downtown Redevelopment Plan (adopted 1975, amended 1993); and

WHEREAS, the City recently updated its Downtown Improvement Program and amended the General Plan, Downtown Specific Plan and related zoning code provisions, and the Downtown Redevelopment Plan. In June of 2003, the City Council certified an environmental impact report that evaluated the proposed changes to the Downtown Improvement Program, and amended the General Plan to create a new land use category described as "Downtown Specific Plan" which specified land uses, densities and maximum building heights for the plan area. (Resolution No. 123-03.) In October of 2003, the City Council adopted the revised Downtown Specific Plan and related zoning code amendments to further refine development regulations and standards for the area (Resolution No. 149-03); and

WHEREAS, on August 12, 2003, the City Council directed staff to proceed with preparation of an amendment to the recently revised General Plan to consider whether it would be appropriate to increase the available office and residential development densities in Block 18 of the Downtown Specific Plan; and

WHEREAS, staff has considered the issue and proposes amendments to the General Plan, Downtown Specific Plan and zoning code to increase the number of developable residential units in Block 18 from 200 to 300, and the amount of available office square footage from 202,000 to 300,000. In addition, staff has recommended "housekeeping" changes to the plans and ordinance be made to accurately reflect existing densities; and

WHEREAS, a draft and final Program Environmental Impact Report (jointly the "Program EIR") was prepared to assess the potential environmental impacts of the Downtown Improvement Program Update ("the Project"), describe alternatives to the Project proposal and potential mitigation measures. On June 17, 2003, after a public hearing duly held, the City Council reviewed the documents comprising the Program EIR and found that the Program EIR reflects

the independent judgment of the City Council and its staff, and is an adequate and extensive assessment of the environmental impacts of the Project. The City Council certified the Program EIR as having been prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA"), made necessary findings and adopted the mitigation and monitoring program (Resolution No. 123-03). The potential environmental impacts of the current proposal to increase Block 18 densities were considered within the scope of the Program EIR; accordingly, an addendum to the Program EIR has been prepared pursuant to CEQA guideline section 15164 to aid in its review; and

WHEREAS, the Planning Commission has considered the proposed amendments at a duly noticed hearing held on June 28, 2004, and has recommended that the office space not be increased, and that the number of residential units for Block 18 should be increased by 82, for a total number of 282 units; and

WHEREAS, the City Council held a public hearing on July 13, 2004, and has considered the reports and documents presented by City staff, the Planning Commission's recommendation, and the written and oral comments presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sunnyvale that it hereby adopts the following findings and actions:

I. THE GENERAL PLAN AND DOWNTOWN SPECIFIC PLAN AMENDMENTS.

The overall update to the Downtown Improvement Program made a series of land use, density and development regulation changes for properties in and adjacent to the downtown specific plan area. This proposed amendment to the General Plan and Downtown Specific Plan ("DSP") will increase the development potential of DSP Block 18 by 98,000 square feet of office space, for a total of 300,000 square feet, and 100 residential units, for a total of 300 units. In addition, it will modify the unit counts in Blocks 4, 6 and 9 to reflect existing development intensity. The basic purpose of the amendments is to aid in the redevelopment of Block 18, which is the site of the current Town Center Mall.

II. ENVIRONMENTAL REVIEW. The proposed revisions to the Downtown Specific Plan and General Plan were considered as part of the project analyzed in the Program EIR for the Downtown Improvement Program Update. The City Council reviewed the Program EIR and found that it reflects the independent judgment of the City Council and its staff, and is an adequate and extensive assessment of the environmental impacts of the Project. The City Council certified the Program EIR as having been prepared in compliance with the requirements of CEQA, made necessary findings, adopted a statement of overriding considerations related to certain impacts on traffic and air quality, and adopted a mitigation and monitoring program. (Resolution No. 123-03, June 17, 2003.) An addendum to the Program EIR was prepared for this particular proposal pursuant to guideline section 15164. Because the current proposal does not increase development intensities beyond the levels considered in the Program EIR, no additional

significant impacts are present, nor is the severity of known significant impacts increased.

Although no changes to significant impacts were identified, the existing significant and unavoidable impacts to cumulative regional air quality and traffic and transportation still remain. Accordingly, the City Council incorporates by this reference the findings and statement of overriding considerations contained in the Program EIR as to the environmental effects of the Project, together with the additional findings contained in this Resolution. The City Council finds that the proposed revisions to the General Plan and Downtown Specific Plan are consistent with the Project reviewed in the Program EIR, therefore no additional environmental review is required. The General Plan and the Downtown Specific Plan are subject to the Mitigation Monitoring Program adopted by the City Council for the Project. Future site-specific development proposals will be subject to further environmental review on a project-by-project basis.

The Council further finds that the Mitigation Monitoring and Reporting Program adopted for this Project by Resolution 123-03 shall be amended, as discussed in the Addendum to the Program EIR to include a further intersection mitigation that was not feasible at the time the Program was adopted. In order to address an impact on the level of service in the PM peak hour for the intersection of southbound DeAnza Boulevard and Homestead Road, located within the jurisdiction of the City of Cupertino, an additional right turn lane will be constructed.

III. GENERAL PLAN AMENDMENT. Based on the foregoing findings, the City Council finds and determines that the General Plan Amendment constitutes a suitable and logical change in the plan for physical development of the City of Sunnyvale, and it is in the public interest to approve the General Plan Amendment, which is next described in more detail:

A. Appendix A – Relationship of General Plan Land Use Categories with Zoning Categories of the Land Use and Transportation Element of the City of Sunnyvale General Plan is amended as follows:

1. Figure A.1: General Plan and Zoning Categories is revised by adding a new General Plan Category entitled "Downtown Specific Plan" with corresponding zoning categories identified as blocks to read as follows: DSP 1, DSP 1a, DSP 2, DSP 3, DSP 4, DSP 5, DSP 6, DSP 7, DSP 8, DSP 9, DSP 10, DSP 11, DSP 12, DSP 13, DSP 14, DSP 15, DSP 16, DSP 17, DSP 18, and DSP 20.
2. The text of Appendix A is amended by inserting the following at the end of the current text on page A-5:

Downtown Specific Plan

The Downtown Specific Plan designation permits a mix of uses in the downtown area, including residential, retail and commercial. This land use category is limited to the downtown area. The corresponding zoning districts with specific allowed uses and densities are described by block number as follows:

Block	Use	Square Footage	Max Height
1	Office	450,000 sq. ft. office 10,000 sq. ft. retail	125 ft.
1a	Very High Density Residential / Retail	450 units 52,500 sq. ft. retail	85 ft.
2	Historic District Restaurant Entertainment	80,000 sq. ft. office 170,891 sq. ft. retail	36 ft.
3	Local Retail	62,000 sq. ft.	50 ft.
4	Mix of Very High and Medium Density Res.	173 units	40 ft.
5	Very High Density Res.	46 units	40 ft.
6	Mix of High and Medium Density Res.	112 units	40 ft.
7	Regional Retail	100 units 50,000 sq. ft. office/retail	50 ft.
8	Mix of Low, Low-Medium and Medium Density Res.	47 units	30 ft.
9	Low and Low-Medium Density Res.	28 units	30 ft.
10	Low-Medium Density Res.	47 units	30 ft.
11	Low-Medium Density Res.	49 units	30 ft.
12	Low-Medium Density Res.	51 units	30 ft.
13	Office/Retail Low-Medium Density Res.	176,021 office 20,120 retail 25 units Low-Medium Density Residential along Taaffe Street	50 ft. 30 ft. along Taaffe St.

Block	Use	Square Footage	Max Height
14	Very High Density Residential	173 units	50 ft. along Mathilda 30 ft. along Charles
15	Very High Density Residential	152 units	50 ft. along Mathilda 30 ft. along Charles
16	Very High Density Residential	173 units	50 ft. along Mathilda 30 ft. along Charles
17	Low Medium Density Residential	48 units	30 ft.
18	Regional Retail/Mixed Use	1,007,876 sq. ft. retail 300 units 300,000 sq. ft. office	75 ft. for the mall 80 ft. for the theaters
20	High Density Residential/Office	As per current allowance under general plan	40 ft. for residential at north end of block and 30 ft. for office at south end of block

IV. DOWNTOWN SPECIFIC PLAN AMENDMENT. Based on the foregoing findings, the City Council finds and determines that the revisions to the Approved 2003 Downtown Specific Plan constitute a suitable and logical change in the plan for the physical development of the City of Sunnyvale, and it is in the public interest to approve the amendments to the Downtown Specific Plan. The City Council finds that the revised plan is consistent with the City's General Plan, and supports the City's long term goals for the downtown. Based upon the revised plan's consistency with the General Plan, and subject to the implementation of the Mitigation Monitoring Program as a condition of approval, the City Council approves and adopts the amendments to the "City of Sunnyvale Downtown Specific Plan 2003," as described below:

A. Chapter Six of the City of Sunnyvale Downtown Specific Plan, entitled "Downtown Districts and Development Standards" is amended as follows:

1. Table 6.1 is modified as indicated below:

Permitted Land Uses and Development Intensities

Each block has one or more designated primary land uses. The following table lists the maximum number of units, or gross floor area for commercial uses.

TABLE 6.1– PERMITTED LAND USES AND DEVELOPMENT INTENSITIES

District	Block	Area Acres	Primary Uses	Approx. Density	Res. Units	Office	Retail / Rest. / Ent.
Commercial Core	1	6.00	Office	N/A		450,000	10,000
Commercial Core	1a	5.76	Very High Density Residential	78 du/ac.	450		52,500
Commercial Core	2	6.44	Retail	N/A		80,000	170,891
Sunnyvale/ Carroll	3	2.86	Retail Specialty Grocery	N/A			62,000
Sunnyvale/ Carroll	4	3.89	Very High/Medium Density Residential	48 du/ac. 24 du/ac	173		
Sunnyvale/ Carroll	5	1.15	Very High Density Residential	40 du/ac	46		
Sunnyvale/ Carroll	6	3.49	High/Medium Density Residential	36 du/ac 24 du/ac	112		
Sunnyvale/ Carroll	7	3.55	High Density Residential Retail	N/A	100	36,000	14,000
South of Iowa	8	1.19	Low-Medium Density Residential	12 du/ac	15		
South of Iowa	8a	0.5	Medium Density Residential	24 du/ac	12		
South of Iowa	8b	1.59	Low Density Residential	7 du/ac	12		
South of Iowa	9	1.68	Low-Medium Density Residential	12 du/ac	20		
South of Iowa	9a	1.19	Low Density Residential	7 du/ac	8		
South of Iowa	10	2.79	Low Medium Density Residential	12 du/ac	47		
South of Iowa	11	3.57	Low Medium Density Residential	12 du/ac	49		
South of Iowa	12	3.71	Low Medium Density Residential	12 du/ac	51		
Commercial Core	13	6.82	Retail and Low-Medium Density Res.	12 du/ac	25	176,021	20,120
West of Mathilda	14	3.41	Very High Density Residential	51 du/ac.	173		10,000
West of Mathilda	15	2.77	Very High Density Residential	54 du/ac.	152		10,000
West of Mathilda	16	2.97	Very High Density Residential	58 du/acre	173		10,000
West of Mathilda	17	3.41	Low Medium Density Residential	12 du/acre	48		
Commercial Core	18	36.39	Mixed Use	N/A	300	300,000	1,007,876
Commercial Core	20	1.70	High Density Residential Office	N/A	51	16,400	
TOTAL		100.6			2,017	1058421	1,367,387

2. The identified portions of Table of Development Standards for certain blocks beginning on page 80 of Chapter Six of the Downtown Specific Plan are modified as indicated below:

BLOCK 18		
Uses Allowed	Retail, Entertainment, Office and High Density Residential	
Min Lot Size	0.30 ac.	
Max. Floor Area	1,007,897 sq. ft. retail/restaurant/entertainment 300 units 300,000 office	
Maximum Density	N/A	
Max. Lot Coverage	Per Special Development Permit	
Max. Height	75 ft. (5 stories) Up to 80 ft. for movie theaters at the interior of the block (80 ft. includes mechanical equipment).	
	BLOCK 13	BLOCK 20
Uses Allowed	Office and Service Retail and Low-Medium Density Residential	Office High Density Residential
Total Area of Block	3.22 ac.	1.70 ac.
Min Lot Size	0.4 ac. Do research	No min.
Max. Office/Retail Sq. Ft.	176,891 sq. ft. office 20, 120 sq. ft. retail/restaurant 25 residential units	16,400 sq. ft. office
Maximum Density	12 du/acre for townhouses along Taaffe Street	36 du/acre for northern half of the block
Max. Lot Coverage	Per SDP	60% max
Max. Height	Office uses - 50 ft. (3 stories) Residential - 30 ft. (2 stories)	40 ft. (3 stories) for high-density residential on the north half of the block 30 ft. for office uses on the south half of the block

	BLOCK 4	BLOCK 5	BLOCK 6	BLOCK 7
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	BLOCK 4	BLOCK 5	BLOCK 6	BLOCK 7
Uses Allowed	High Density and Medium Density Residential	High Density Residential	High Density and Medium Density Residential	High Density Residential and Retail
Min Development Size	0.5 acres	0.25 acres	0.25 acres - suggested	No min.
Max. Retail/Office	None	None	None	36,000 sq. ft. office 14,000 sq. ft. retail
Max. Residential Units	173	46	112	100
Approximate Residential Density	48 du/acre generally with max 24 du/acre on Washington	40 du/acre	48 du/acre generally with Townhouse Density of up to 24 du/acre on Washington and McKinley frontages.	28 du/acre
Max. Lot Coverage	45%	45%	60%	60%
Max. Height	40 ft. (3 stories) and 30 ft. (2 stories) on Washington	40 ft. (3 stories)	40 ft. (3 stories) and 30 ft. (2 stories) on Washington and McKinley	50 ft. (4 stories)

	BLOCKS 14, 15 AND 16	BLOCK 17
Primary Uses	High Density Residential Retail	Low-Medium Density Residential
Min Development Area	0.75 acre	8,000 sq. ft.
Max. Residential Units	Block 14 - 173 units Block 15 - 152 units Block 16 - 173 units	48 units
Approximate Maximum Density	51, 54, 58 du/acre	12 du/acre
Max. Lot Coverage	100%	40%
Max. Height	50 ft. (4 stories) on Mathilda and 30 ft. (2 stories) along Charles	30 ft. (2 stories)

B. Chapter Six of the Downtown Specific Plan is further amended by including a Land Use Map, referred to as Figure 6.1 following table 6.1, more particularly described in Exhibit A, attached and incorporated by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a certified copy of the General Plan and Downtown Specific Plan amendments with the Board of Supervisors and the Planning Commission of the County of Santa Clara and the planning agency of each city within the County of Santa Clara. The City Clerk is directed further to file a certified copy of the plan with the legislative body of each city, the land of which may be included in the plan.

Adopted by the City Council at a regular meeting held on July 13, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

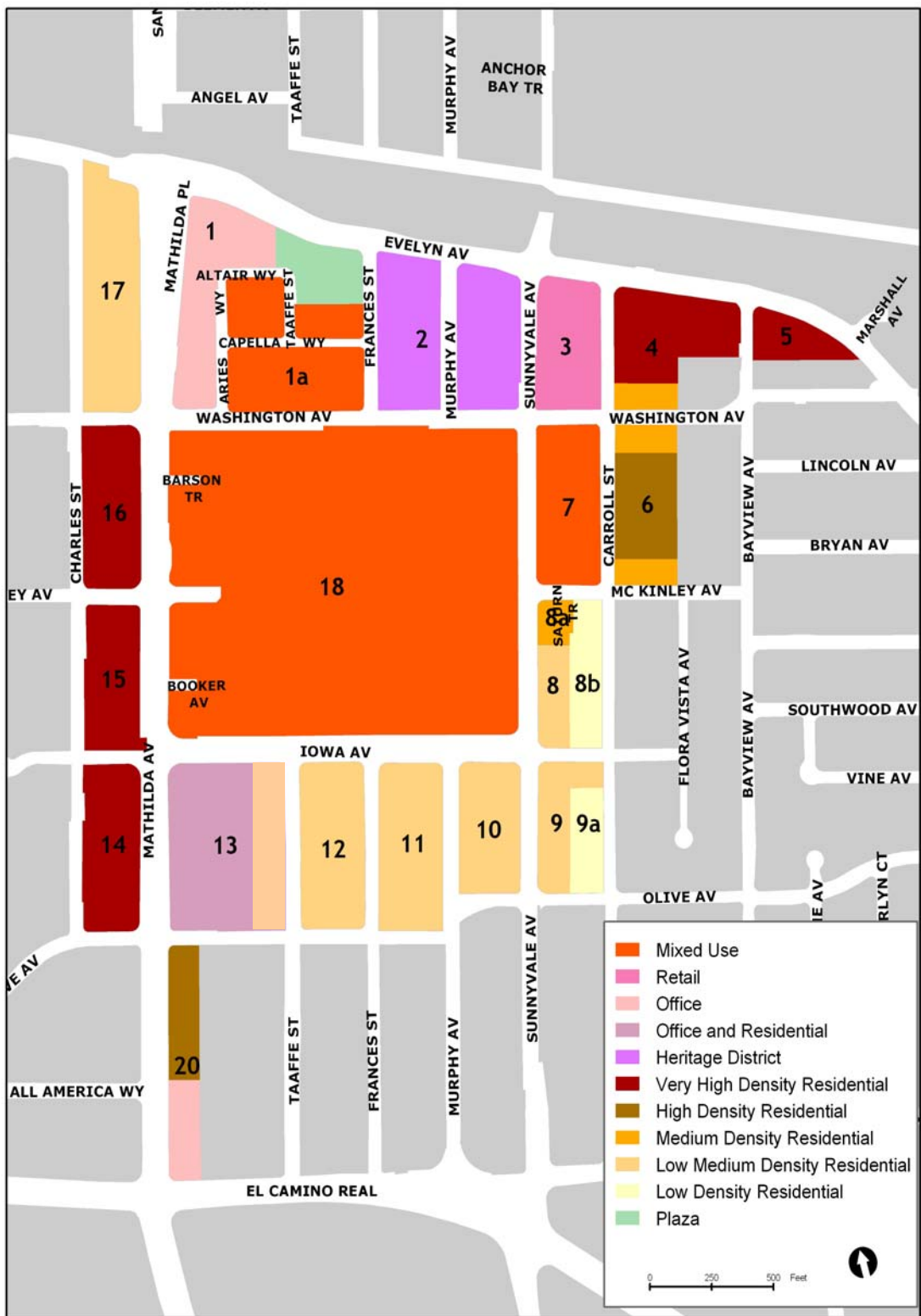


Figure 6.1 Land Use Map

EXHIBIT "A"